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OFFICE OF PETITIONS

In re Patent No. 6,676,929	:	
McMurry et al.	:	DECISION ON REQUEST FOR
Issue Date: January 13, 2004	:	RECONSIDERATION OF
Application No. 10/034,522	:	PATENT TERM ADJUSTMENT
Filed: December 20, 2001	:	
Atty Docket No: 13498-005002	:	

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT," filed April 23, 2004. Patentees request correction of the patent term adjustment indicated on the patent.

The request is **DISMISSED AS UNTIMELY FILED.**

Patentees are given **THIRTY (30) DAYS** to respond to this decision. No extensions of time will be granted under § 1.136(a).

On January 13, 2004, the above-identified application matured into U.S. Patent No. 6,676,929 with a revised patent term adjustment of 114 days. The instant request for reconsideration was filed on April 23, 2004, more than thirty days after the issuance of the patent.

No error in the patent has been shown. The patent term adjustment indicated on the patent reflects the patent term adjustment shown in the PAIR system for this application.

37 CFR 1.705(d) provides the sole avenue before the Office for requesting reconsideration of the patent term adjustment indicated in the patent based on a dispute of the Office's reduction of PTA due to applicant delay. However, § 1.705(d), in effect on January 13, 2004, stated that "any request for reconsideration of the patent term adjustment indicated in the patent must be filed within thirty days of the date the patent issued and must comply with the requirements of paragraphs (b)(1)

and (b)(2) of this section." Accordingly, since the instant request was not filed within thirty days of the issue date of the patent, the request must be dismissed as untimely.

The application file is being returned to Files Repository.

Telephone inquiries specific to this matter should be directed to Nancy Johnson, Senior Petitions Attorney, at (703) 305-0309.

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for*

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